

I. (a) PLAINTIFFS

PETERS ABHULIMEN

(b) County of Residence of First Listed Plaintiff NEW CASTLE, DE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Stephen T. O'Hanlon, 2 Penn Center, Suite 1850, 1500 JFK Blvd., Philadelphia, PA 19102.

DEFENDANTS

ARCELORMITTAL STEEL USA

13 3949

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Kristine Grady Derewicz, Esquire, Littler Mendelson, P.C., Three Parkway, 1601 Cherry Street, Suite 1400, Philadelphia, PA 19102

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

ORIGIN (Place an "X" in One Box Only)

- ☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 2000e et seq.

Brief description of cause:
Employment discrimination based upon race and national origin.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,000,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
July 8, 2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

JUL 8 2013

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6E GREEN VALLEY CYCLE, NEWARK, DE 19713 **3949**
Address of Defendant: 1 SOUTH DEARBORN, CHICAGO, IL 60603
Place of Accident, Incident or Transaction: 139 MODENA ROAD, COATESVILLE, PA 19320
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, STEPHEN T. O'HANLON, counsel of record do hereby certify:
☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☐ Relief other than monetary damages is sought.

DATE: 7/8/13 STEPHEN T. O'HANLON 208428
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

JUL 8 2013

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7/8/13 STEPHEN T. O'HANLON 208428
Attorney-at-Law Attorney I.D.#

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

PETERS ABHULLIMEN

CIVIL ACTION

13 3949

v.

ARCELORMITTAL STEEL USA

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

7/8/13
Date

STEPHEN T. O'HANLON
Attorney-at-law

PETERS ABHULLIMEN
Attorney for
steve@ohanlonlawfirm.com

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215-567-1998

Telephone

FAX Number

E-Mail Address

JUL 8 2013

MMB

15400
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steve@ohanlonlawfirm.com
Attorney for Plaintiff

FILED

JUL - 8 2013

MICHAEL E. KUNZ, Clerk
By Dep. Clerk

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

PETERS ABHULIMEN,

Plaintiff,

v.

ARCELORMITTAL STEEL USA,

Defendant.

Civil Case No.: **13** **3949**

COMPLAINT AND JURY DEMAND

Plaintiff, Peters Abhulimen, by and through his undersigned counsel, the O'Hanlon Law Firm, P.C., hereby demands a trial by jury and complains against Defendant, ArcelorMittal Steel USA, as follows:

PRELIMINARY STATEMENT

1. This action arises under the provisions of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.* Plaintiff is seeking damages to redress the deprivation of his rights from discriminatory employment practices on the basis of race and national origin by the Defendant.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is predicated upon 28 U.S.C. Section 1331 and 1343, to

(11)
C. Green
7-8-13
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redress the unlawful deprivation of Plaintiff's rights secured, guaranteed and protected by federal law. Venue is proper in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. Section 1391(b), wherein Plaintiff resided, Defendant regularly conducts business, and where all the wrongful conduct occurred.

PARTIES

3. Plaintiff, Peters Abhulimen, is a black, male citizen of the United States and a resident of New Castle County, Delaware. Plaintiff was born in Nigeria.

4. Defendant, ArcelorMittal Steel USA (hereinafter "ArcelorMittal") is the American subdivision of a global multinational steel and mining corporation, ArcelorMittal. ArcelorMittal has a plant at 139 Modena Road, Coatesville, Pennsylvania, 19320, where Plaintiff is employed.

PROCEDURE

5. Within 180 days of the occurrence of the acts of which this Complaint is based, charges of discrimination were filed with the Equal Employment Opportunity Commission (EEOC).

6. Plaintiff received his Notice Right-to-Sue letter from the EEOC, within days of it being mailed on May 21, 2013, entitling him to institute a civil action in the appropriate forum within ninety (90) days of the date of receipt of the notice. This action was initiated within that ninety-day period.

STATEMENT OF CLAIM

7. Defendant has engaged in unlawful employment practices and policies in violation of 42 U.S.C. 2000e, *et seq.* The discriminatory practices include, but are not limited to the following:

A. Refusing to promote or advance Plaintiff, an African-American employee of African birth, on an equal basis with white workers. B. Maintaining practices with respect to, but not limited to, wages, job assignments, performance reviews, and other terms and conditions of employment

which unlawfully operated to deny equal opportunity to Plaintiff because of his race and/or national origin. C. Channeling or restricting Plaintiff to less desirable tasks as compared to white workers and managers. D. Consistently failing either to establish or to enforce policies against racial discrimination and harassment in the workplace, despite ample evidence that such discrimination and harassment was occurring with regard to Plaintiff. E. Consistently failing to take even the most modest of ameliorative or reparative measures when presented with said evidence.

8. The effect of these practices has been to deprive Plaintiff of equal employment opportunities and otherwise to affect adversely Plaintiff's status as an employee.

9. Further, Plaintiff has been deprived of income in the form of wages and prospective retirement benefits, and other benefits due to him as an employee solely because of his race and/or national origin.

10. Plaintiff is now suffering and will continue to suffer irreparable injury from the Defendant's custom, usages, and the specific acts of discrimination and wrongful termination as set forth herein. Such injury includes stress, depression, and high blood pressure.

FACTS COMMON TO ALL COUNTS

11. Plaintiff is a Nigerian-born, naturalized U.S. citizen of African descent.

12. Plaintiff was hired to work as an Electrical Engineer in the Electric Melt Shop at Defendant ArcelorMittal's Coatesville plant. Plaintiff was hired on a full-time basis on or around February 11, 2008.

13. Throughout his tenure at Defendant ArcelorMittal, Plaintiff complained about a racist work environment with continuing inappropriate racist language and communication, which he found offensive. These complaints were ignored by managers including managers Albert Fuller,

Robert Caffro, Thomas Barnett, Ed Frey, and Joseph Kurtz without any rectifying action.

14. Defendant ArcelorMittal's response to this racially offensive workplace was insufficient, both in terms of any investigation that may or may not have been conducted, and in terms of the lack of any systematic response that such egregious acts should have prompted.

15. Defendant ArcelorMittal does not have an adequately-enforced policy prohibiting discrimination and harassment based on race and national origin, nor did they have one during the time period when Plaintiff was suffering discrimination and harassment based upon race and national origin in his workplace.

16. Defendant ArcelorMittal has not adequately trained employees in any racial discrimination and/or harassment policy at any point, nor did it do so prior to or during the time period when Plaintiff was suffering discrimination and harassment based upon race and national origin in his workplace.

17. Plaintiff constantly complained to managers Albert Fuller (Human Resources Manager), Robert Caffro (Area Maintenance Manager), Thomas Barnett (Divisional Manager), Joseph Kurtz (Divisional Manager), and Ed Frey (Plant Manager) about racist language that permeated the workplace and was directed towards Plaintiff.

18. The racist environment commenced on February 19, 2008, initially initiated by Randy Coulter, an hourly supervisor, and continued on a daily basis throughout the entire time that Plaintiff has been employed by Defendant. Among other names and insults, Plaintiff was called a "Nigger," he was told by Shawn Burk that "a black man could never be a white man's boss," he was threatened by Burk with being pushed into a fifty foot deep furnace because of Plaintiff's race/national origin, Plaintiff has had bananas placed in and around his office, white employees have been told that they should not consort with Plaintiff because Plaintiff is black, Plaintiff's

credentials have been mocked by Albert Fuller because his degrees come from “African universities” when the degrees in fact come from universities in the United States, Plaintiff has been excluded from managerial meetings because he is black, and a baby toy doll was placed in a break room with a label stating “Pete’s Replacement” and it remained there despite Plaintiff’s complaints.

19. Plaintiff was denied career advancement and pay raises because of his race/national origin and has been suspended on two occasions without any non-pretextual justification and in contrast to the manner with which white employees are treated.

COUNT ONE: DISCRIMINATION BASED ON RACE AND NATIONAL ORIGIN IN VIOLATION OF TITLE VII

20. Paragraphs 1 through 19 are incorporated herein by reference as though fully set forth.

21. Plaintiff claims money damages as a result of the constant extreme racist and racially offensive language that occurred in his proximate work space and resulted in a racist work environment which was offensive to Plaintiff and caused severe emotional distress, high blood pressure, and so on as a result.

22. Plaintiff claims that he was subjected to a period of more than five years with a continuous pattern of targeted racist treatment that hindered his career development, was exemplified in disparate work assignments, Plaintiff being denied opportunity and increased pay, and the creation of bogus performance reviews to legitimize racist treatment. This caused Plaintiff severe emotional distress and other medical issues and Plaintiff’s complaints were ignored by management.

COUNT TWO: HOSTILE WORK ENVIRONMENT IN VIOLATION OF TITLE VII

23. Paragraphs 1 through 22 are incorporated herein by reference as though fully set forth.

24. As a result of the constant racist language that fostered a racist workplace and as a result

of Plaintiff being abused and ostracized by coworkers and supervisors, Plaintiff was exposed to a hostile work environment. Plaintiff was exposed to fear, threats, and intimidation and Plaintiff dreads going to work every day. The abuse and other disparate treatment occurred on a constant basis throughout Plaintiff's tenure at Defendant ArcelorMittal.

25. As a consequence of coworker and supervisor abuse and supervisor/management failing to respond to Plaintiff's complaints of serious and extreme adverse treatment, Plaintiff's working conditions were adversely altered for a continuous, prolonged period from February 19, 2008 until the present.

26. Plaintiff suffered emotional and medical harm and should be compensated as a result.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. Order Defendant to make Plaintiff, insofar as he was adversely affected by the described practices, whole by providing appropriate back pay and reimbursement for lost pay, experience, training opportunities and other benefits in an amount to be shown at trial. Grant Plaintiff emotional damages for pain and suffering that has resulted from Defendant's actions.
2. Grant Plaintiff his attorneys' fees, costs, and disbursements.
3. Grant additional relief as the Court deems just and proper including, but no limited to, punitive damages.

The O'Hanlon Law Firm, P.C.



STEPHEN T. O'HANLON, ESQUIRE

DATE: 7/8/2013
The O'Hanlon Law Firm, P.C.
2 Penn Center Plaza, Suite 1850
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
Tel: 267.546.9066
Fax: 215.567.1998

CERTIFICATE OF SERVICE AND SUMMONS

I, Stephen T. O'Hanlon, Esquire, hereby certify that the attached Complaint has been filed with the Court and will be sent to the following by U.S. Postal Service Priority Mail with tracking number to request Waiver of Service of Summons on July 8, 2013:

1. ArcelorMittal Steel USA, C/O Michael Rippey, CEO ArcelorMittal USA, 1 South Dearborn, Chicago, IL 60603.
2. ArcelorMittal Steel USA C/O Kristine Grady Derewicz, Esquire, Littler Mendelson, P.C., Three Parkway, 1601 Cherry Street, Suite 1400, Philadelphia, PA 19102.

The O'Hanlon Law Firm, P.C.



STEPHEN T. O'HANLON, ESQUIRE